



City of Seattle

Gregory J. Nickels, Mayor
Department of Design, Construction and Land Use
D. M. Sugimura, Acting Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2207205
Applicant Name: Tom Morris
Address of Proposal: 1333 Sunset Avenue Southwest

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of a third-story addition to an existing single family residence.

The following approval is required:

Variance - To allow a portion of the principal structure into the required front yard.
Seattle Municipal Code 23.44.014(A)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

 ☐ DNS with conditions

 ☐ DNS involving non-exempt grading or demolition, or
 involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The subject lot is 5,975 square feet in area and located in West Seattle. The lot is oriented north-south and is trapezoidal in shape with a 64-foot front lot line, approximately 120-foot side lot lines, and a 34-foot rear lot line. The property is zoned Residential, Single-family 5000 (SF

5000) and contains areas of steep slope and potential slide as well as several known potential slide locations.

The site is developed with a two-story single-family residence (composed of a ground-floor daylight basement, and a main floor above) constructed nine feet six inches (9' 6") from the front lot line, four (4) feet from the west side lot line, approximately six (6) feet from the east side lot line, and between 78 and 85 feet from the rear lot line. The existing front yard and west side yard have been identified as non-conforming to development standards for the SF 5000 zone.

The property slopes down from south to north, and most of the lot has been identified as a steep slope Environmentally Critical Area (ECA). The footprint of the existing house appears to be located on the flattest portion of the lot; the hill slopes steeply down from the structure's north façade.

Development in the Vicinity

The immediate vicinity is zoned for single family residential development (SF 5000 and SF 7200 zones). The area is developed primarily with single and two-story single family residences in a mix of architectural styles.

North of Sunset Avenue Southwest, the area's topography slopes steeply down toward the water. Much of the hillside is characterized as steep slope and potential slide ECAs. In addition, several known slides have occurred in the vicinity. Several lots along the north side of Sunset Avenue Southwest remain undeveloped.

Proposal Description

The applicant has proposed the addition of a third-story to the existing single family structure. The addition would consist of 699 square feet of interior space and a 590-square foot unenclosed deck area. As proposed, the addition would meet all applicable code requirements for height, side yard areas, and rear yard area.

The applicant has proposed to maintain the plane of the front façade, constructing the addition directly above it. As indicated previously, the existing structure is constructed within the required front yard; therefore, the proposed third-story addition would also project into the required front yard area.

The applicant has provided calculations for the required front yard based on the averaging provisions of SMC 23.44.014(A) and 23.86.010(B) and has concluded that the required front yard is 15 feet 6 inches (15' 6").¹ Therefore, according to the variance request, the existing 9' 6" front yard is 6 feet less than the applicant's identified front yard requirements.

¹ This number was arrived at by averaging the existing 11-foot front yard of the single-family residence to the northeast with the default 20-foot yard for the unopened street to the southwest.

However, it appears that a front yard reduction applies to the property due to the presence of the steep slope ECA. Specifically, SMC 25.09.280 permits a 25% front yard reduction (up to five feet) to maintain the full width of a steep slope buffer. This provision appears to apply to the subject lot because steep slopes begin as close as 10 feet from the front lot line. The additional 25% reduction would reduce the required front yard to 11' 7 1/2".²

Based upon an 11' 7 1/2" front yard requirement, the existing structure (located 9' 6" from the front lot line) projects only 2' 1 1/2" into the required front yard, and the proposed third-story addition would add an additional 107 square feet of interior space within the required front yard area.³ No ground disturbance would occur, nor would the lot coverage be increased under the proposal.

Public Comment

The 14-day public comment period was extended an additional 14 days by written request and ended January 8, 2003. In addition to the request for comment period extension, two written comment letters were received. The first letter referenced previous slide activities on the subject site and raised concerns about adding an additional story to the existing structure.

The second letter addressed concerns about setting a precedent by approving the requested variance, impacting the ambiance of and property values within the surrounding neighborhood, and considering the compatibility of a third-story addition with existing neighborhood character. Eleven (11) neighborhood residents signed the letter.

ANALYSIS - VARIANCES

As provided in SMC 23.40.020, variances from the provisions or requirements set forth in the Seattle Municipal Code shall be authorized only when all of the following facts and conditions are found to exist:

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity.*

The property is subject to unusual topographic and location conditions that were not created by the owner or the applicant. First, the subject site contains unusual topographic conditions. The 5,975-square foot lot contains approximately 5,000 square feet of steep slope ECA. The only area of the lot outside of the steep slope is near the front lot line, and the existing structure has been sited near the front lot line and away from the steep slope to the greatest extent possible.

² Calculation: 15' 6" – (0.25 x 15' 6") = 11' 7 1/2".

³ This estimate is based upon the approximately 50' 7" façade projecting 2' 1 1/2" into the required front yard.

Therefore, the existing structure could not be expanded to the rear without disturbing critical steep slopes.

In addition, the location of the subject property adjacent to an unopened street right-of-way creates a disadvantageous condition. SMC 23.40.030 permits unopened streets to be treated as alleys for determining yards, setbacks, and whether a lot is a corner or through lot. As an alley, this 40-foot wide strip would not break up the “block front” used for determining averaged front yard requirements (See SMC 23.84.004 and 23.86.010.). In that case, the required front yard for the subject lot would be based upon the existing 11-foot front yard of the lot to the northeast and the approximately 7-foot front yard of the nearest lot to the southwest. Under this scenario, the subject lot would have a front yard requirement of just nine (9) feet and would not require a variance for the current proposal. However, SMC 23.40.030 does not permit unopened streets to be considered alleys for block front purposes.

Due to these unusual conditions, the strict application of the Land Use Code would deprive the subject lot of property rights and privileges enjoyed by other properties both in the same zone and the same vicinity. Other, relatively flat lots in SF 5000 zones are not restricted in effective building envelope by steep slope conditions. A single family addition on a flat lot of similar size and shape as the subject lot could be situated toward the rear of the structure without disturbing any Environmentally Critical Area. In addition, most of the lots in the vicinity are not encumbered with the severity of steep slope areas as found on the subject site. From topographic information on file with the Department, it appears that the only lot in the vicinity with a higher percentage of steep slopes (1401 Sunset Avenue Southwest) has been developed with just a 7-foot front yard.

Therefore, granting the requested variance would provide the property with rights and privileges enjoyed by other properties in the same zone or vicinity.

2. *The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located.*

The requested variance to allow a portion of a third-story addition into the required front yard would not go beyond the minimum necessary to afford relief nor would it constitute a grant of special privilege.

The proposed addition would project 2' 1" into the required front yard and result in an increase of 107 square feet of interior space within the required front yard. This proposal represents the minimum necessary because it 1) attempts to avoid impacts on the steep slope and potential slide areas present on the lot, and 2) accommodates the existing stairwell located on the interior wall of the front façade. Constructing the proposed addition over the existing wall would allow the applicant to add another flight to the existing stairwell. Furthermore, the proposed addition does not represent a grant of special privilege because other existing single family residences located on the north side of Sunset Avenue Southwest also have small front yards.

Therefore, the requested variance would not go beyond the minimum necessary to afford relief and would not constitute a grant of special privilege.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located.*

The granting of the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the zone and vicinity. The proposed addition would result in a front façade no higher than 28' 1", which would be in scale with height requirements for the single family-zoned vicinity. In addition, the subject property's existing 9' 6" front yard is consistent with front yards provided in the vicinity. Based on Department maps, it appears that the existing structures on the north side of Sunset Avenue Southwest within 200 feet of the subject property have existing front yards of between five (5) and eleven (11) feet. Finally, if the addition were set back from the front façade, it might increase slope instability and risk property injury to the lots immediately adjacent to the subject property.

Therefore, granting this variance would not be materially detrimental to the public welfare or injurious to the property or improvements in zone or vicinity in which the subject property is located.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties.*

The literal interpretation and strict application of the Land Use Code would require that the proposed addition be set back 2' 1" from the existing front façade. This would cause both undue hardship and practical difficulties. First, an addition set back from the existing front façade would create undue hardship. The third-story's added load would be concentrated over steep slope and potential slide areas, and because additions built away from existing walls are considered less stable, the applicant would be required to engineer the addition to ensure slope stability.

An addition set back from the existing façade would also create practical difficulties. The applicant has designed the third-story addition to make use of the existing stairwell that currently connects the ground floor and the main floor levels of the single family residence. The applicant has proposed access to the new addition by extending the stairwell an additional flight. This stairwell abuts the interior wall of the structure's front façade; therefore, a requirement to set back the addition 2' 1" from the existing façade would prevent the applicant from utilizing the existing stairwell location.

Therefore, the literal interpretation of the requirements of the Land Use Code would result in undue hardship to and practical difficulties for the applicant.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The proposal would result in a single family residence that has a front yard similar to that of neighboring structures along Sunset Avenue Southwest. The only portion of the proposed addition that could be easily seen from the street is the front façade. With the addition, the front façade of the structure would measure no higher than 28' 1". This proposed façade height would be below the maximum base height of 30 feet for single family zones. Furthermore, the design of the proposed addition would result in less visual impact from the street. Finally, Seattle Municipal Code standards encourage the siting of structures away from steep slope ECAs (See SMC 25.09.280).

Therefore, granting the requested variance would be consistent with the spirit and purpose of Land Use Code regulations for the area.

DECISION - VARIANCE

The proposed variance to allow a portion of the principal structure into the required front yard is **APPROVED**.

Signature: _____ (signature on file) Date: February 24, 2003
Leslie C. Clark, AICP, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services

LC:vr